

RECEIVED

APR 20 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Advanced Television Systems
and Their Impact Upon the
Existing Television Broadcast
Service

)
)
)
)
)
)

MM Docket No. 87-268

PETITION FOR FURTHER RECONSIDERATION
OF SIXTH REPORT AND ORDER

Viacom Inc. ("Viacom") respectfully submits this Petition for Further Reconsideration of the Commission's Sixth Report and Order, 12 FCC Rcd 14588 (1997), in the above-captioned proceeding. In so doing, Viacom seeks further reconsideration of only one matter: the allotment for its commercial television station KSTW(TV), Channel 11, Tacoma, Washington. Specifically, the Commission specified an incorrect height above average terrain ("HAAT") for KSTW(TV), which resulted in a substantially reduced DTV effective radiated power ("ERP") assignment.

The Commission's DTV Table is premised on the principle of replication, which seeks to allow all existing broadcasters to provide DTV service to geographic areas that are comparable to their existing NTSC service areas. See Sixth Report and Order at ¶12.

No. of Copies rec'd 024
List ABCDE

To calculate the DTV ERP of each existing NTSC station so as to achieve a replicated DTV service area, the Commission used the same HAAT as that associated with the NTSC station. See id. at ¶13.

The DTV Table adopted in the Sixth Report and Order and, as modified upon reconsideration, in MO&O on Reconsideration of the Sixth Report and Order, FCC 98-24 (released February 23, 1998), assigns to station KSTW(TV) an ERP of only 772.7 kW, based upon a HAAT of 363 meters. (See Appendix I for the relevant page, B-39, from the FCC's DTV Table.) That HAAT apparently was derived from the Commission's databases, which show that KSTW(TV)'s previous licensee Gaylord Broadcasting Company was granted a construction permit in 1992 to increase its HAAT to 363 meters. See BPCT-920406KF. However, the changes approved by that construction permit were never constructed, as indicated in a letter to the Commission by Gaylord on August 13, 1993. (See Appendix II for a copy of the Gaylord letter.) Accordingly, the HAAT of KSTW(TV) remains at 271 meters, as authorized in its original license. Recalculating the DTV ERP with this lower HAAT of 271 meters results in an increase in the assigned DTV ERP of at least 1 mW.¹

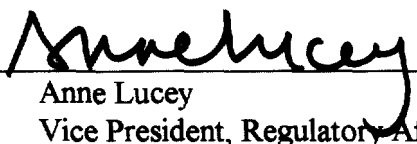
In light of the above, Viacom respectfully requests that the Commission promptly amend its DTV Table to reflect that the HAAT of KSTW(TV) is 271 meters and its DTV ERP is 1 mW. If the Commission fails to grant Viacom this relief, KSTW(TV)'s DTV service area will not be fully protected against other DTV facilities and it will be unable to

¹ Viacom used the Commission's formula for determining the ERP upon a change in HAAT. See MO&O on Reconsideration of the Sixth Report and Order at ¶159. Under that formula, Viacom calculates that its KSTW suffers a loss of gain of 2.5 dB due to the DTV Table's reliance on the higher HAAT. An ERP assignment of 1 mW would result in only a 2.3 dB gain. Because the DTV Table caps ERP levels at 1 mW, Viacom requests re-assignment to KSTW(TV) of a DTV ERP of 1 mW.

provide DTV service to those viewers it currently serves. The need for relief is all the more urgent for KSTW(TV) given the pace of proposed DTV construction in the Seattle market, the 12th largest DMA, in which three stations have pending applications for DTV construction permits.²

Respectfully submitted,

VIACOM INC.


By: Anne Lucey
Vice President, Regulatory Affairs
1501 M Street, N.W.
Suite 1100
Washington, D.C. 20005

April 20, 1998

² As of April 20, 1998, the three Seattle-market stations with pending DTV applications are: KOMO (File No. BPCDT-970922KE); KCTS (File No. BPEDT-980220KE); and KING (File No. BPCDT-980227KF).

APPENDIX I
DTV Table Assignment for KSTW(TV)
(from Appendix B, MO&O on Reconsideration)

STATE AND CITY	DIGITAL TELEVISION SERVICE						EXISTING NTSC				DTV/ NTSC AREA MATCH (%)
	NTSC CHAN	DTV CHAN	DTV POWER (kW)	ANTENNA HAAT (m)	DURING TRANSITION		CURRENT SERVICE		NEW INTERFERENCE		
					AREA (Sq km)	PEOPLE (thous)	AREA (Sq km)	PEOPLE (thous)	AREA (% NL Area)	PEOPLE (% NL Pop)	
VT BURLINGTON	22	16	50.0	835.0	27349	485	24512	444	0.3	0.2	99.9
VT BURLINGTON	33	32	50.0	815.0	24890	447	23364	428	0.6	0.3	100.0
VT BURLINGTON	44	43	50.0	840.0	25178	453	23659	428	0.3	0.1	99.8
VT HARTFORD	31	25	72.6	677.0	16298	365	15770	351	2.4	1.9	97.1
VT RUTLAND	28	56	50.0	429.0	10646	249	10054	243	0.0	0.0	100.0
VT ST. JOHNSBURY	20	18	50.0	592.0	17041	177	13973	146	0.6	0.3	100.0
VT WINDSOR	41	24	50.0	684.0	18661	458	16023	370	2.0	2.9	99.1
WA BELLEVUE	33	32	50.0	286.0	4020	1944	3539	1889	7.0	9.0	99.8
WA BELLEVUE	51	50	50.0	739.0	21493	2960	21087	2949	0.1	0.4	100.0
WA BELLINGHAM	12	35	612.2	722.0	39879	1034	37790	581	0.0	0.0	99.7
WA BELLINGHAM	24	19	50.0	676.0	6322	206	5934	193	0.0	0.0	100.0
WA CENTRALIA	15	19	50.0	347.0	12675	317	11570	297	1.3	2.3	97.0
WA EVERETT	16	31	290.6	239.0	15341	2878	14315	2789	0.2	0.0	99.4
WA KENNEWICK	42	44	50.0	390.0	14786	250	14141	238	0.0	0.0	100.0
WA PASCO	19	18	50.0	366.0	15893	242	15293	225	0.0	0.0	100.0
WA PULLMAN	10	17	189.6	408.0	25735	256	23762	208	0.0	0.0	99.9
WA RICHLAND	25	26	50.0	411.0	17257	267	16636	250	0.0	0.0	100.0
WA RICHLAND	31	38	50.0	370.0	6994	162	6483	158	0.0	0.0	100.0
WA SEATTLE	4	38	1000.0	247.0	26917	3048	28573	3061	0.0	0.0	93.9
WA SEATTLE	5	48	1000.0	250.0	27042	3052	27359	3034	0.0	0.0	94.5
WA SEATTLE	7	39	1000.0	250.0	23973	3014	23832	3015	0.0	0.0	98.6
WA SEATTLE	9	41	1000.0	252.0	22539	2947	23225	2982	0.0	0.0	92.7
WA SEATTLE	22	25	247.1	271.0	20306	2972	18838	2933	0.1	0.0	100.0
WA SEATTLE	45	44	50.0	287.0	4035	1885	3533	1818	1.6	1.6	100.0
WA SPOKANE	2	20	1000.0	671.0	44955	567	46495	549	0.0	0.0	93.8
WA SPOKANE	4	13	27.3	933.0	47131	538	49444	551	0.0	0.0	94.4
WA SPOKANE	6	15	1000.0	653.0	45136	562	45962	568	0.0	0.0	96.5
WA SPOKANE	7	39	945.6	558.0	35010	543	34472	518	0.0	0.0	98.7
WA SPOKANE	22	36	50.0	429.0	16529	434	15967	423	0.6	0.1	98.9
WA SPOKANE	28	30	95.4	601.0	26297	494	24953	477	0.2	2.7	100.0
WA TACOMA	11	36	772.7	363.0	27063	3031	25764	2978	0.0	0.0	99.6
WA TACOMA	13	18	602.8	610.0	34985	3160	31399	3038	0.0	0.0	98.7
WA TACOMA	20	14	135.4	491.0	21540	2985	20756	2893	0.8	0.4	99.9
WA TACOMA	28	27	50.0	232.0	11775	2542	11033	2456	1.3	5.4	99.6
WA TACOMA	56	42	152.4	570.0	26206	2943	25599	3046	0.1	0.2	99.1
WA VANCOUVER	49	48	107.7	527.0	17144	1772	16628	1743	0.0	0.0	99.9
WA WENATCHEE	27	46	50.0	424.0	10409	106	8623	101	0.0	0.0	100.0
WA YAKIMA	23	16	50.0	293.0	9705	196	8523	195	0.0	0.0	100.0
WA YAKIMA	29	33	50.0	296.0	9706	198	8783	198	0.0	0.0	100.0
WA YAKIMA	35	14	50.0	293.0	10411	199	8832	197	2.6	0.8	100.0
WA YAKIMA	47	21	50.0	280.0	9737	194	8382	193	0.0	0.0	100.0
WI APPLETON	32	59	50.0	336.0	17094	760	16889	750	0.0	0.0	100.0

APPENDIX II

August 13, 1993 Letter From Gaylord to Commission

D. Kay Kmm

REED SMITH SHAW & McCLAY

COPY

FAX 202-457-6113
TELEX NO. 64711

1200 18TH STREET, N.W.
WASHINGTON, D.C. 20036

202-457-6100

WRITER'S DIRECT DIAL NUMBER

FCC/MELLON AUG 16 1993
PITTSBURGH, PA
PHILADELPHIA, PA
HARRISBURG, PA
MCLEAN, VA

(202) 457-8657

August 13, 1993

Federal Communications Commission
Mass Media Services
P.O. Box 358190
Pittsburgh, PA 15251-5190

Re: Gaylord Broadcasting Company
KSTW(TV) - Tacoma, Washington
Auxiliary Antenna - Modification of Permit

Gentlemen/Ladies:

On behalf of Gaylord Broadcasting Company ("Gaylord"), licensee of the above-referenced television station, we are submitting an original and two (2) copies of FCC Form 301 for modification of existing construction permit for auxiliary facility (file no. BMPCT-900726KE).

A check in the amount of \$565.00, in payment of the prescribed filing fee, is also attached.

Gaylord's existing auxiliary CP specifies an overall height above ground of 286 meters. The auxiliary is mounted on the same tower as the KSTW main antenna. The CP height reflects a 91.44 meter extension of the tower, which was planned at the time the application for the auxiliary was filed and which had been approved in an permit to modify the main antenna. Implementation of the tower extension is not presently contemplated and the main antenna CP has expired.

The discrepancy in tower heights was discovered by FCC staff in the course of reviewing Gaylord's application for license to cover the auxiliary antenna permit (file no. BLCT-921022KG). We are advised that processing of the auxiliary license application is being suspended pending the Commission's receipt of this application. It is understood that action will be taken concurrently on both applications.

REED SMITH SHAW & McCLAY
Federal Communications Commission
August 13, 1993
Page 2

Should further information be needed in connection with this application, kindly direct inquiries and correspondence to the undersigned.

Sincerely,

REED SMITH SHAW & McCLAY

A handwritten signature in cursive script, reading "Marnie K. Sarver".

Marnie K. Sarver

MKS/lam
Enclosures